

# UNITED STATES OF AMERICA

## *Congress of the United States*

SUBPOENA  
000008

**To** Eric Holder  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

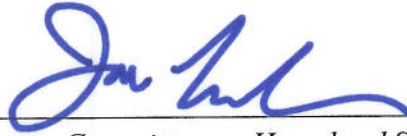
***Greetings:***

***Pursuant*** to lawful authority, **YOU ARE HEREBY COMMANDED** to appear before the COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS of the Senate of the United States, on April 27, 2010, at 10 o'clock a.m., at its Committee Office, 340 Dirksen Senate Office Building, Washington, D.C., 20510, then and there to testify before the committee or its staff what you may know relative to the subject matters under consideration by said committee and to bring with you all materials as set forth in Schedule A, attached hereto and made a part hereof.

A personal appearance will be unnecessary if the materials are delivered to the aforesaid committee office no later than 24 hours in advance of the scheduled return.

***Hereof fail not***, as you will answer your default under the pains and penalties in such cases made and provided.

*Given under my hand, by authority vested  
in me by the Committee, on this 19<sup>th</sup> day of  
April, 2010.*



\_\_\_\_\_  
*Chairman  
Senate Committee on Homeland Security and  
Governmental Affairs*

April 19, 2010

I made service of the within subpoena by

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

to the within-named Eric Holder, Attorney General,

at \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_.m., on the \_\_\_\_\_ day  
of April, 2010.

Signed: \_\_\_\_\_

Eric Holder  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Schedule A

Please provide the following material as that term is defined in the "Definitions" section below:

1. A document or documents that provide the names, current affiliations, titles, and office addresses of DOJ personnel and personnel from other federal departments or agencies or from State or local government entities who are or were assigned to the Joint Terrorist Task Forces in San Diego, CA and/or Washington, D.C. and/or the National Joint Terrorism Task Force who had (a) knowledge of Major Nidal Malik Hasan's communications with known or suspected terrorists, or communications with any individuals with known or suspected connections to terrorist organizations, including but not limited to communications with Anwar al-Aulaqi (or al-Aulaqy, al-Awlaki, al-Alwaky), and (b) other knowledge of Major Hasan, prior to November 5, 2009. In the alternative, DOJ may produce a list that contains the requested information.
2. All documents pertaining to Major Hasan created or held by DOJ prior to November 5, 2009.

Instructions:

- a. The material requested includes all such material that is in the custody, control or possession of DOJ or within the right of custody, control or possession of DOJ, its officers, agents, employees, or representatives, regardless of whether DOJ created such material.
- b. The material requested includes material related to DOJ's discussions, consultations, correspondence, and communications with other entities, whether such entities are part of the United States Government or not.
- c. DOJ is under a continuing obligation to promptly provide additional material responsive to this subpoena.
- d. All material produced in response to this subpoena shall be produced in a form that renders such material susceptible of copying, shall include all attachments, and shall not be redacted.
- e. Material produced in response to this subpoena shall be produced together with copies of file labels, dividers or identifying markers with which such material was associated when this subpoena was served or shall otherwise be identified and dated.

- f. It shall not be a basis for refusal to produce material that any other person or entity also possesses non-identical or identical copies of the same document.
- g. If any of the subpoenaed material is available in machine-readable form, state the form in which it is available and provide sufficient detail to allow the material to be copied to a readable format. If the material requested is stored in a computer, indicate whether you have an existing program that will print the records in a readable form.
- h. If the subpoena cannot be complied with in full, it shall be complied with to the extent possible, with an explanation of why full compliance is not possible.
- i. In the event that any material is withheld on the basis of privilege, provide with the responses to this subpoena the following concerning any such material: (i) the date of the material, its author, his or her occupation, title and employer, all recipients, the occupation, title and employer of each recipient, (ii) the subject matter of the material, (iii) the privilege claimed and a brief explanation of the basis of the claim of privilege, (iv) the type of material, and (v) the relationship of the author and recipient(s) to each other.
- j. If any material responsive to this subpoena was, but no longer is, in DOJ's possession, custody, or control, identify the material (stating its date, author, subject and recipients) and explain the circumstances by which it ceased to be in DOJ's possession, custody, or control.
- k. For all material produced, indicate the paragraph of Schedule A to which it is responsive.

Definitions:

- I. The term "material" shall mean any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: documents; electronic mail ("email"); working papers; records; notes, including but not limited to handwritten notes; agreements; papers; memoranda; reports; studies; reviews; analyses; summaries; agendas; presentations; minutes; transcripts; graphs; diagrams; photographs; charts; tabulations; presentations; letters; notices; confirmations; telegrams; faxes; telexes; receipts; appraisals; interoffice and intra-office communications; contracts; cables; notations or logs of any type of conversation, telephone call, meeting, or other communication; bulletins; printed matter; computer printouts; teletype; invoices; audio cards or worksheets; computer stored and generated documents; computer databases; computer disks and formats; machine readable electronic files or records maintained on a computer; diaries; questionnaires and responses; data, including but not limited to data sheets and data calls; spreadsheets; bills; accounts; estimates; projections; comparisons; messages; correspondence; and similar information. Material bearing any notation not a part of the original text is to be considered a separate piece of material. A draft or nonidentical copy is considered a separate piece of material within the meaning of the term "material."
- II. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any material which might

otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.

- III. The term "related to" shall be construed broadly and shall include material that is in any way: about, discussing, concerning, affecting, referencing, or reflecting the particular topic as specified in the document request.
- IV. The terms "Department of Justice" and "DOJ" shall refer to all elements, components, programs, personnel, contractors, and consultants, regardless of whether paid or unpaid, of the United States Department of Justice, including but not limited to the Federal Bureau of Investigation.